

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEVEN ERIC GOULD,

Plaintiff,

v.

TRAVIS CHAPMAN, et al.,

Defendants.

Case No. 2:21-cv-02022-APG-NJK

ORDER

Plaintiff Steven Eric Gould is incarcerated in the custody of the Nevada Department of Corrections (NDOC). He initiated this case with a civil rights complaint under to 42 U.S.C. § 1983 and an application to proceed in forma pauperis. ECF Nos 1, 1-1. Gould has now filed a motion for voluntary dismissal. ECF No. 8.

Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). Gould’s complaint has not yet been served on the defendants so no responsive pleading has been filed. I will grant Gould’s motion to voluntarily dismiss this action.¹

I therefore order that the motion for voluntary dismissal (**ECF No. 8**) is **granted**. This action is dismissed without prejudice.

I further order the Clerk of the Court to enter judgment accordingly and close this case.

¹ In his motion, Gould states that he is dismissing this case because he has reached a settlement with the Las Vegas Metropolitan Police Department and Sheriff Joseph Lombardo. ECF No. 8 at 2. Gould did not attach a copy of the settlement agreement to his motion. Because I dismiss this case under Rule 41(a)(1)(A)(i), I do not need to consider the existence of any settlement between the parties. Gould has the right to dismiss this action regardless of any settlement.

1 I further order that Gould's application to proceed *in forma pauperis* (ECF No. 1) is
2 **denied as moot.**

3 DATED THIS 27th of May, 2022.

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UNITED STATES DISTRICT JUDGE